IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6724 of 2004

Between:

Markpurapu Madan Kumar @ Madan, S/o. Sivaji
Sateenapalli, Guntur District

..... PETITIONER

AND

1 The State of Andhra Pradesh, rep. by its Secretary, Home Department Secretariat, Hyderabad.
2 The Superintendent of Police, Guntur District
3 The Station House Officer, Sateenapalli (Taluk) Police Station Guntur

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus, declaring the action of Respondents in continuing the rowdy sheet No.96 against the petitioner in Sattenapalle Taluk Police Station, Guntur District even after acquittal of the case as highly arbitrary, illegal and violative of Art. 19,21 of the Constitution of India and also violaltive of Police Standing Orders and consequently set aside the same.

Counsel for the Petitioner: MR.K.SURESHREDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6724 of 2004

ORDER:

Heard both the learned counsel and at their request, the main writ petition itself is taken up for disposal.

The petitioner herein filed this writ petition, *inter alia,* seeking writ of Mandamus, challenging the correctness of the action of the respondents in continuing rowdy sheet No.96 against him in Sattenapalle Taluk Police Station, Guntur District.

It is the case of the petitioner that he is a law abiding citizen and in fact he is an agriculturist and there was only one case against him long back in the year 1997 in Cr.No.80 of 1997 which was ultimately taken up as S.C.No.332 of 1998 on the file of V Additional District Sessions Judge, Guntur, wherein, ultimately after completion of trial, the petitioner was acquitted. Apart from that, there was no case even as on today against him. However, the respondents are continuing the rowdy sheet against him. Hence this writ petition.

In the counter affidavit filed by the respondents herein, it is admitted that

the aforesaid case is of the year 1997 and ultimately it ended in acquittal. However, except to make a vague allegation that he is doing illegal activities, no other allegations have been made and there is no record to show that any case is pending against the petitioner.

Having regard to the same, I do not find any justification to continue the rowdy sheet against the petitioner and the same is contrary to the guidelines issued by this Court in ***SUNKARA SATYANARAYANA v. STATE OF ANDHRA PRADESH***[1] and also against to para-742 of the Police Standing Orders.

In view of the same, the writ petition is allowed. No costs.

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29th July, 2004

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday the Twentynineth day of July, two thousand and four.

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ASSISTANT REGISTRAR

29th July, 2004.

KVR/SKMR // True Copy //

Section Officer

To

1 The Secretary, State of Andhra Pradesh, , Home Department Secretariat, Hyderabad.
2 The Superintendent of Police, Guntur District
3 The Station House Officer, Sateenapalli (Taluk) Police Station Guntur District.

4 Two C.Cs to the GP for Home, High Court Buildings, High Court of

A.P., Hyderabad (O.U.T.)

5 Two C.D.Copies.